

REMARKS

I. Examiner Interview

Applicants' attorney appreciates the Examiner's courtesy in speaking with him on May 22, 2008, regarding the outstanding Final Office Action. The interview included discussion of the § 103 rejection of claim 22 made by the Examiner. Applicants submit that the comments below reflect the substance of the interview.

II. Status

Claims 1-21 have been previously canceled. Claims 22-46 are currently pending.

III. Rejections Under 35 U.S.C. § 103

Claims 22-24, 28, 30-32, 34-35, 41-42, and 45-46 were rejected under 35 U.S.C. §103(a) as being unpatentable over Paulauskas, et al. (U.S. 6,401,033) in view of Trovato (U.S. 6,183,364). Claims 25, 27, 33, 36, 38-40, and 43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Paulauskas, et al. in view of Trovato and in further view of Koller, et al. ("Virtual GIS," IEEE: 1995). Claims 26 and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Paulauskas, et al. in view of Trovato, Koller, et al., and in further view of Freedman ("Map Quests," Wired: 2/2004). Claims 29 and 44 were rejected under 35 U.S.C. §103(a) as being unpatentable over Paulauskas, et al. in view of Trovato and in further view of Freedman.

Claim 22 and Dependents

Claim 22 recites, *inter alia*, "wherein the second dataset is used in computer games that depict real geographic locales as part of play scenarios of the computer games." Paulauskas, et al. do not teach or suggest at least this feature.

The Examiner asserts that combining the teachings of Trovato with the teachings of Paulauskas, et al. would disclose the claimed feature. (Office Action, page 5). However, one of ordinary skill in the art would not have combined the teachings of Trovato with the teachings of Paulauskas, et al.

Paulauskas, et al. disclose a system for providing entertainment and information to passengers and a driver while driving to make the experience of traveling in an automobile more pleasant. (Paulauskas, et al., column 1, lines 55-58). The system disclosed uses geographic data, which is used for navigation, to provide games while driving. (Paulauskas, et al., column 5, lines 32-57). The system provides games that allow the driver to maintain focus on driving and the road while being entertained, such as a sign alphabet game or a trivia game. (Paulauskas, et al., column 5, line 49-50, column 6, line 2, and column 8, line 9). The system programming “does not permit playing games if the games would be distracting to the driver.” (Paulauskas, et al., column 9, lines 42-45).

Trovato discloses the use of two dimensional maps to create an electronic environment. (Trovato, column 2, lines 10-23). The electronic environment is used to control avatars that represent user personas in a virtual world. (Trovato, column 3, lines 57-58).

One of ordinary skill in the art would not have combined the electronic environment of Trovato with the system of Paulauskas, et al. because the virtual world experience would be too distracting to a driver. Paulauskas, et al.¹ disclose providing entertainment to passengers and a driver while driving for a pleasant driving experience. However, the electronic environment of Trovato requires attention and focus toward a virtual world to manipulate and control avatars for a second-life type of experience. It would not make sense to engage in such an activity while driving, and Paulauskas, et al. specifically disclose that the system does not allow for games that would be distracting to the driver. Therefore, Paulauskas, et al. teaches away from combining the electronic environment of Trovato.

Furthermore, even if one of ordinary skill in the art would have combined the teachings of Paulauskas, et al. and Trovato, the combination does not teach or suggest at least the recited claimed feature.

The Examiner asserts that Trovato discloses depicting real geographic locales as part of “play scenarios” of computer games. (Office Action, page 5). Neither Paulauskas, et al. nor Trovato discloses a play scenario of a computer

¹ U.S. Pat. No. 6,401,033 is assigned to the assignee of the present application. To the extent permissible by law, any remarks in this response about the '033 patent should not be construed as limiting or narrowing the scope of the claims thereof.

game. A play scenario includes at least a storyline or a plot outline. (See Merriam-Webster Online Dictionary, 2008). Trovato merely discloses a virtual world to control avatars that represent user personas, such as a second-life simulation. There is no teaching or suggestion of a **play scenario**, such as gaming that allows a user to play in a preset plot outline or follow a storyline.

Accordingly, claim 22 is allowable for at least these reasons. Claims 23-33 depend, directly or indirectly, from allowable claim 22 and, therefore, are allowable for at least the same reasons.

Claims 34-35 and Dependents

Claims 34 and 35 recite features similar to the features of claim 22 described above. The arguments made in regards to claim 22 appropriately apply to claims 34 and 35 as well.

Accordingly, claims 34 and 35 are allowable for at least those same reasons. Claims 36-46 depend from allowable claim 35 and, therefore, are allowable for at least the same reasons.

Furthermore, one or more of the dependent claims recite features that are independently allowable. For example, claims 29 and 44 recite, *inter alia*, providing at least a portion of the second dataset to each of a plurality of end-user computing platforms in which the end-user computing platforms use the second dataset to represent geographic features in a play scenario. None of the cited references teaches or suggests at least these features. Freedman discloses that developers of “True Crime: Streets of LA” used satellite imagery, GPS, and geological surveys to recreate 240 square miles of the city to scale. However, recreation of a city using such data is not the same as directly providing a dataset from a database, used for navigation, **to end-user computing platforms**. Freedman merely discloses creating a game having representations of geographic features and providing the game to users, not providing a dataset from a source database to end-user computing platforms in which the end-user computing platforms, not game developers, use the dataset to represent geographic features in a play scenario.

Claims 30 and 41 recite, *inter alia*, “accessing the second dataset using an application programming interface.” The cited references do not teach or suggest

these features. The Examiner points to column 6, lines 15-20 of Paulauskas, et al. and asserts that the game application disclosed must obtain data through an application programming interface. (Office Action, pages 7 and 11). Paulauskas, et al. disclose obtaining sign text information for upcoming signs along a road segment, but there is no mention of an **application programming interface**. The sign text information of Paulauskas, et al. can be obtained in a variety of manners without using an application programming interface.

IV. Summary

It is respectfully asserted that all of the pending claims are patentable over the cited references, and allowance of the pending claims is earnestly solicited. If the Examiner believes that a telephone interview would be helpful in resolving any outstanding issues, the Examiner is respectfully invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

/Adil M. Musabji/

Adil M. Musabji
Reg. No. 58,728
Attorney for Applicants

NAVTEQ North America, LLC
425 West Randolph Street
Chicago, Illinois 60606
(312) 780-3054